

Application No. 09/815,914

Reply dated 10/1/03

Reply to Office Action of 7/1/03

Patent No. 6,355,854 ("the '854 patent"). The Examiner indicates that this rejection may be overcome by filing a terminal disclaimer.

Further, the Examiner has provisionally rejected claims 6, 8-11, 13-15, 67, and 69-77 under the judicially created doctrine of obviousness-type double patenting over claims 1-39, 41-44, 46-7, 74, 78, 79, 81-88, and 99 filed in Application No. 09/510,458. Applicant notes that Application No. 09/510,458 issued as U.S. Patent 6,417,422 ("the '422 patent") on July 7, 2002 and thus understands the obviousness-type double patenting rejection to be non-provisional. The Examiner indicates that this rejection also may be overcome by filing a terminal disclaimer.

Applicants submit herewith a terminal disclaimer, as suggested by the Examiner. Applicants believe that this terminal disclaimer obviates the obviousness-type double patenting rejections.

Conclusion

In view of the foregoing remarks, applicant respectfully submits that this application is in condition for allowance. Prompt allowance of this application is

Application No. 09/815,914

Reply dated 10/1/03

Reply to Office Action of 7/1/03

requested. If the Examiner believes that a telephonic interview would be helpful, he is invited to call applicant's attorneys at any time.

Respectfully submitted,

Denise Bergin
Pablo D. Handler (Reg. No. 40,015)
Denise Bergin (Reg. No. 50,581)
Attorneys for Applicant
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000
Fax: (212) 596-9090